JOURNAL OF
AIR LAW AND COMMERCE

VOLUME XXXIV—1968

A Publication of
Southern Methodist University School of Law
Dallas, Texas
1968

© *Copyright, 1969*

By Southern Methodist University School of Law

INDEX

ARTICLES—TITLES

Accident Information—Storing and Retrieving ... *William Russler* 409
Air Carrier Liability for Nuclear Damage ... *Edwin O. Bailey* 524
An Airline Pilot's View of Safety ... *Robert N. Buck* 443
The Attorney's Role in Accident Investigation ... *Robert Reed Gray* 417
Attorneys Use of Accident Investigation Materials ... *Lawrason Driscoll* 423
Carrier Legal Responsibility for Commercial Air Safety ... *John E. Stephen* 473
Certified Air Service At Smaller Communities: The Need for Service As a Determinant of Regulatory Policy ... *Craig Mathews* 27
Changing Concepts of Cabotage: A Challenge to the Status of United States Carriers in International Civil Aviation? ... *George S. Robinson* 553
Economics of Air Safety ... *Richard J. Barber* 431
Ideal Safety System for Accident Prevention ... *Jerome Lederer* 336
International Problems of Air Traffic Control and Possible Solutions ... *C. Bosseler* 467
Legal Responsibility of Government for Commercial Air Safety ... *Charles J. Peters* 479
Manufacturer's Responsibility ... *Harold V. McCoy* 489
National Transportation Safety Board Bureau of Aviation Safety ... *B. R. Allen* 399
Need for the Exchange of Safety Information ... *Harold Caplan* 386
Public Policy for Air Transportation ... *Hon. M. Cecil Mackey* 330
Regulations of Human Factors ... *Lee S. Goldsmith* 434
Regulatory Functions of I.T.U. in the Field of Space Telecommunications ... *Nandasiri Jasentuliyana* 62
The Civil Aeronautics Board Policy Favoring Subsidy Reduction to Local Service Carriers: Its Role and Implementation in the Decisional Process ... *Barre Hall* 566
The Role of the Insurance Company in Air Safety ... *G. I. Whitehead* 450
Sonic Boom: Containment or Confrontation ... *Anthony J. Ortner* 208
State of the Art in Air Safety ... *C. O. Miller* 343
The Transpacific Route Investigation: Historical Background and Some Major Issues ... *Lucile Sheppard Keyes* 3
The Union's Duty of Fair Representation Under the Railway Labor and National Labor Relations Acts ... *Benjamin Aaron* 167

ARTICLES—AUTHORS

Aaron, Benjamin: *The Union's Duty of Fair Representation Under the Railway Labor and National Labor Relations Acts* ... 167
Allen, B. R.: *National Transportation Safety Board Bureau of Aviation Safety* ... 399
Bailey, Edwin O.: *Air Carrier Liability for Nuclear Damage* ... 524
Barber, Richard J.: *Economics of Air Safety* ... 431
Bosseler, C.: *International Problems of Air Traffic Control and Possible Solutions* ... 467

Buck, Robert N.: *An Airline Pilot's View of Safety* 443
Caplan, Harold: *Need for the Exchange of Safety Information* 386
Driscoll, Lawrason: *Attorneys Use of Accident Investigation Materials* 423
Goldsmith, Lee S.: *Regulation of Human Factors* 434
Grey, Robert R.: *The Attorney's Role in Accident Investigation* 417
Hall, Barre: *The Civil Aeronautics Board Policy Favoring Subsidy Reduction to Local Service Carriers: Its Role and Implementation in the Decisional Process* 566
Jasentuliyana, Nandasiri: *Regulatory Functions of I.T.U. in the Field of Space Telecommunications* 62
Keyes, Lucile Sheppard: *The Transpacific Route Investigation: Historical Background and Some Major Issues* 3
Lederer, Jerome: *Ideal Safety System For Accident Prevention* 336
Mackey, Cecil M.: *Public Policy for Air Transportation* 330
McCoy, Harold V.: *Manufacturer's Responsibility* 489
Mathews, Craig: *Certified Air Service At Smaller Communities: The Need for Service As a Determinant of Regulatory Policy* 27
Miller, C. O.: *State of the Art in Air Safety* 343
Ortner, Anthony J.: *Sonic Boom: Containment or Confrontation* 208
Peters, Charles J.: *Legal Responsibility of Government for Commercial Air Safety* 479
Robinson, George S.: *Changing Concepts of Cabotage: A Challenge to the Status of United States Carriers in International Civil Aviation* 553
Russler, William: *Accident Information—Storing and Retrieving* 409
Stephen, John E.: *Carrier Legal Responsibility for Commercial Air Safety* 473
Whitehead, G. I.: *The Role of the Insurance Company in Air Safety* 450

INTERNATIONAL REVIEW

Agreement On The Rescue of Astronauts, The Return of Astronauts and the Return of Objects Launched Into Outer Space 79
Confessions of a Former IATA Man ..... *S. Ralph Cohen* 610
International Civil Aviation Organization: Interpretation and Implementation of Article 77 of the Chicago Convention—Nationality and Registration of Aircraft Operated by International Agencies ..... *Dr. Rene H. Mankiewicz* 83
International Civil Aviation Organization: Report On the Work of the Legal Committee 92
International Institute of Space Law—Tenth Colloquim on Space Law—Belgrade ..... *Julian G. Verplaetse* 101

CURRENT LEGISLATION AND DECISIONS

COMMENT

Air Traffic Control: *Hidden Danger in the Clear Blue Skies* 255
Federal Transfer: *Problems of Multiple Litigations and the Inapplicability of Stare Decisis* 621
Review of Adjustment Board Awards Under the Railway Labor Act 233

CASES NOTED

ABC Air Freight Co., Inc. v. C.A.B.—*Air Freight Forwarder—Civil Aeronautics Board—Authorization* 298
Arkwright Mut. Ins. Co. v. Bargain City, U.S.A., Inc.—*Bankruptcy—Equitable Liens—Notice* 291

Block v. Compagnie Nationale Air France—*Warsaw Convention—Limited Liability—Voyage Charter* 643
Entel v. Allen—*Securities—Rule 10b-5—Insider Fraud* 103
Jackson Mun. Airport Auth. v. Evans—*Eminent Domain—Inverse Condemnation—Taking or Damaging* 119
Marmon v. Mustang Aviation Inc.—*Conflict of Laws—Wrongful Death—Significant Contacts vs. Lex Loci* 114
Moungey v. Brandt—*Federal Aviation Act—Statutory Interpretation—Remedies* 133
Neher v. United States—*Sonic Booms—FTCA—Waiver of Discretionary Exception* 139
Pan American World Airways, Inc. v. C.A.B.—*CAB—Jurisdiction—Foreign Tour Operators* 661
Rapp v. Eastern Air Lines, Inc.—*Government Liability—Type Certification—Admiralty Jurisdiction* 667
Scott v. Eastern Air Lines, Inc.—*Conflict of Law—Maritime Tort—Significant Contact Theory* 651
State of Maryland for the Use of Gliedman v. Capital Airlines, Inc. and United States—*Judgments—Collateral Estopple—Non-Mutuality of Parties* 304

BOOK REVIEWS—AUTHORS

Fixel, Rowland: *The Law of Aviation*, 4th ed. (Carl E. B. McKenry) 318
Gablehouse: *Helicopters and Autogiros: A Chronicle of Rotating-Wing Aircraft* 158
Gumbridge, J. L. and Allen, George: *Marketing Management in Air Transport* (J. J. Smith) 155
Meyer: *Internationale Luftfahrtabkommen Bd.* (Paul B. Larsen) 319
Morenoff: *World Peace Through Space Law* (Cameron K. Wehringer) 157
Stratford: *Air Transport Economics in the Supersonic Era* (Lucile Sheppard Keyes) 154
Worcester: *Roots of British Air Policy* (Martin A. Bradley) 315

BOOK REVIEWS—REVIEWERS

Bradley, Martin A. (Worcester): *Roots of British Air Policy* 315
Keyes, Lucise S. (Stratford): *Air Transport Economics in the Supersonic Era* 154
Larsen, Paul B. (Meyer): *Internationale Luftfahrtabkommen Bd.* 319
McKenry, Carl E. B. (Fixel): *The Law of Aviation*, 4th ed. 318
Smith, J. J. (Gumbridge and Allen): *Marketing Management in Air Transport* 155
Wehringer, Cameron K. (Morenoff): *World Peace Through Space Law* 157

CURRENT LITERATURE ON AVIATION

Bibliography 160, 320, 517, 679

INDEX DIGEST

A

ADMINISTRATIVE LAW
Accident Information
Show cause order, issuing for aircraft accident report 312

AIRCRAFT
Bibliography
Gablehouse: Helicopters and Autogiros 160

AIRPORTS
Eminent Domain
Inverse Condemnation; zoning board's established height restrictions; constitutionality 119-26

AIR ROUTES
See also Civil Aeronautics Board (Air Route Investigation)

Investigation
Historical background and some major issues of Transpacific Route Investigations 3-26

International
Changing concepts of cabotage, a challeng to the status of United States carriers in International Civil Aviation 553-565

AIR TRAFFIC CONTROL
Air safety requirements 255

Government liability
Defenses to 259
Mid-air collisions 263
Turbulent air 269
Weather 267
Improvement of scheme
Recommendations 283
International
Problems with international air traffic control and possible solutions 467-472

AIR TRANSPORT
Accident information
See also *Transportation (NTSB)*
Accident investigation and the Attorney's function 417-422
Attorney's use of evidentiary materials available in the aviation case 423-426
Discussion of reporting and retrieving accident information by the Directorate of Aerospace Safety of the United States Air Force 409-416

Accident prevention
Ideal safety system for accident prevention 336-342

Air safety
See also *Federal Aviation Administration (Air Safety)*
Air carrier's legal responsibility for commercial air safety 473-478
Airline pilot's view of safety 443-449
Analysis of the aircraft manufacturer's air safety program with special emphasis on the SST system safety program 356-362
Analysis of the development of air safety with emphasis on misunderstandings and unresolved problems in accident prevention 343-355
Analysis of the function of the insurance company in air safety with emphasis on the tort system for administering equal justice 450-456
Economics of air safety that serves social and economic objections 431-433
Government's legal responsibility for commercial air safety 479-488
Manufacturer's legal responsibility for commercial air safety 489-496
Need for the exchange of safety information between manufacturers, operators, regulatory agencies, and plaintiff's lawyers 386-398
Safety efforts of American Airlines 371-378
Tort system and promotion of air safety 497-505
Regulation of human factors with a look at improving application of medical regulations 434-442
The aviation industry's responsibility to passengers in negligence litigation 506-511

B

BANKRUPTCY
Equitable liens
Generally 291

Application of Bankruptcy Act to.. 293
Application of UCC to 293

C

CIVIL AERONAUTICS BOARD
See also *Air Routes (Investigation)*

Air Service to small communities
The analysis of CAB determination for air service to smaller communities including discussion of various factors used by the Board in their determination and the inadequacies of certain factors 27-61

Licensing
Air freight forwarding 298

Regulation
CAB attempts to control the problem of "oversales" and determination of rights of passengers 127-132

Subsidy Reduction
CAB Policy favoring subsidy reduction to local service carrier's, its role and implementation in the decisional process 566-609

CONFLICT OF LAW

Erie Doctrine
Lex fori, interspousal immunity.... 311

Maritime Law
Maritime tort, significant contact theory 651-60

Wrongful death
Significant contact versus lex loci doctrine under 309

CONTRACTS

Oversale of reserved tickets
Liability of airlines for 127-132

CONVENTIONS

Chicago
See also *Air Routes (International)*

Warsaw
See *Liability (Nuclear Damage)* 643-649

Rome
See *Liability (Nuclear Damage)*

Paris
See *Liability (Nuclear Damage)*

F

FEDERAL AVIATION ADMINISTRATION

Air Safety
Role of the FAA in improving air safety with emphasis on safety and specific aircraft 363-370

Antitrust immunity
An air carrier's acquisition of a fixed base operator that was also a sales agent for executive jet aircraft, which although outside the field of air transportation is within the antitrust immunity conferred by section 414 of the Act, even though the immunity was not sought by the air carrier 149-50

Intrastate flight applicability
The Federal Aviation Act of 1958 applies to intrastate flights and the owner of a rented aircraft operated on an intrastate flight is engaged in the operation of an aircraft within the meaning of the Act 148-49

Statutory interpretation
Discussion of whether a court will imply a federal civil remedy under the Federal Aviation Act from the violation of a Civil Air Regulation of safety 133-138

FEDERAL TORT CLAIMS ACT

Negligence
A finding of negligence in placing the air corridor in its particular location for which the government was held liable as sufficient to show negligence under the FTCA and damages may be collected. A general discussion of the alternatives available to collect for damages from the government 139-143

I

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Analysis
Confessions of a former IATA man 610-620

INSURANCE

Exclusionary phrases
Civil Air Patrol observer as a member of the "crew" 310
Recovery for death when pilot bailed out and his parachute misfunction was not allowed because death resulted from the risk of flight which was excluded by the aviation exclusion clause of his insurance policy 144-145

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Aircraft personnel, freedom of movement
Regulations, application thereto.... 228

Regulations, of IACO and other international agreements 228

Legal Committee
Interpretation and implementation of Article 77 of the Chicago Convention nationality and registration of aircraft operated by international agencies 83-91
Report of the work of the Legal Committee including a report on the problems of Nationality and registration of aircraft operated by international agencies 92-97
Action on the report of the subcommittee on Revision of the Rome Convention 97-98
Resolution adopted by the council on nationality and registration of aircraft operating with international agents 85-91

J

JUDGMENTS
Collateral estoppel
Non-availability of parties 304

JURISDICTION
Federal transfer
Problems of multiple litigation and the inapplicability of stare decisis 621-42

L

LABOR LAW
Duty of fair representation 167
Administrative enforcement of 171
Judicial enforcement of 175
Enforcement by airlines, under RLA 185
Enforcement under LMRA 190
Judicial enforcement of with respect to racial discrimination 175
Jurisdiction of MRB 197

Labor Management Relation Act
Duty of fair representation under 170
Violations under section 301 194

National Labor Relations Board
Duty of fair representation, jurisdiction of NLRB in breach of 197

LIABILITY
Nuclear Damage
Air carrier liability for nuclear damage 524-552

Type certification
Government liability in type certification of air carrier 667-674

R

RAILWAY LABOR ACT
Adjustment Board
Review of awards under by grievance procedure 235
Review of awards made by 233
Review of awards made by, history 234
Review of awards made by judicial review 236

S

SONIC BOOM
Damage caused by
History 208
Generation of 210

Legal Aspects
Damage 217
Nuisance 215
Proof of cause 217
Strict liability 214
Taking caused by 215
Trespass 215
Unknown defendant 219

Remedies
Administrative 228
Injunction 220
Legislation 221
Federal Torts Claims Act 221

SPACE LAW
Bibliography
Morenoff: World Peace Through Space Law

International Institute of Space Law
A Space Law of the IISL 101-102

United Nations
Agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space 79-82
ITU regulatory functions in the field of space telecommunications 62-78

T

TORT
See also Federal Tort Claims Act

Airport authority and city liability
An airport authority created by a city under the Cities Authorities Act, is a supplementary, separate, and independent public corporation and the parent corporation is not liable for the torts of the authority 145-146

Carrier liability
Pilot violation of the Federal Aviation Agency regulations pertaining to minimum flight altitude is negligence as a matter of law for which the carrier is liable 151-153

Liability Release
One receiving free passes for flight even though he must pay nominal sum is a gratuitous licensee to whom the air carrier only owes the duty not to wilfully or watonly injure 150-151

Oversale of reserved tickets
Application of tort liability of airlines for oversales to passengers 127-132

TRANSPORTATION

National Transportation Safety Board
Discussion of the NTSB's accident prevention and investigation procedures 399-408

United States
Analysis of federal government policy pertaining to air transportation and the Department of Transportation 330-335

TABLE OF CASES

A

Aaron v. United States 120
Aaxico Air Lines, Inc. v. Air Line Pilots Association, Int'l 252
*ABC Air Freight Co., Inc. v. C.A.B. 298
Ackerman v. Port of Seattle 221
Air Line Pilots Association, Int'l, Aaxico Air Lines, Inc. v. 252
Air Line Pilots Association, Int'l, Northwest Airlines Inc. v. 246
Air Line Pilots Ass'n, Oling v. 189
Alabaugh v. Baltimore & O.R.R. 184
Alexander, Firemen's Ins. Co. v. 212
Alitalia, Lisi v. 537
Allegheny County, Griggs v. 140, 216
Allen, Entel v. 103, 110
Allsopp, National Airlines, Inc. v. 127
All States Freight v. Modarelli 622
*Altoona Av. Corp., Gatenby v. 151
Amell v. United States 670
American Airlines, Inc. v. CAB 301, 661, 664
American Airlines, Inc., Hart v. 675
American Airlines, Inc., Loma Portal Civic Club v. 216
*American Casualty Company of Reading, Pennsylvania v. Mitchell 310
American Flyers Airlines Corp., Farrell v. 627, 628, 632, 636, 638
American Flyers Airlines Corp., Helton v. 627, 632, 637
American Flyers Airlines Corp., Lora v. 627, 637
American Flyers Airlines Corp., Scaramuzzo v. 627, 632, 635, 636, 638, 639
American Flyers Airlines Corp., Schmidt v. 627, 628, 632, 636, 638, 639
American Flyers Airlines Corp., Turner v. 627, 637
American Flyres Airlines Corp., Wright v. 627, 632, 633, 634, 636, 637
Arizona-Monarch Merger Case 590, 592
*Arkwright Mut. Ins. Co. v. Bargain City, U.S.A., Inc. 291
Armbrust, Matheson v. 104
Associated Transport, Inc., Graves v. 305
Atkinson v. Bernard, Inc. 123
Atlantic Coast Line R.R., Hodges v. 249
Augustus V. Reigal, Inc., Schlansky v. 215

B

Babcock v. Jackson 116, 625
Baltimore & O.R.R., Alabaugh v. 184
Bank of America, Bernhard v. 304, 640
*Bargain City, U.S.A., Inc., Arkwright Mut. Ins. Co. v. 291
Batten v. United States 120, 216
Baxendale, Hadley v. 128
*Beech Aircraft Corp., Dunn v. 311
Beneficial Fin. Co., Vine v. 107
Bennett v. United States 217
Bernard, Inc., Atkinson v. 123
Berner v. British Commonwealth Pac. Airlines, Ltd. 307, 641
Bernhard v. Bank of America 304, 640
Berquido v. Eastern Airlines 426
Birnbaum v. Newport Steel Corp. 104, 107
Blaski, Hoffman v. 622, 631
*Block v. Compagnie Nationale Air France 643
Board of Education, Brown v. 177, 180
Bonanza-Pacific-West Coast Merger Case 602
Borne Chem. Co., McClure v. 103
Bowling v. Sharpe 180
Boyd v. White 215
Brady v. Trans World Airways 190
*Brandt, Moungey v. 133
Braniff Airways, Toepfer, Inc. v. 127
Braughton v. United Air Lines, Inc. 151
British Commonwealth Pac. Airlines, Ltd., Berner v. 307, 641
A.T. Brod. & Co. v. Perlow 110
Brotherhood of Locomotive Eng'rs, Hargrove v. 181
Brotherhood of Locomotive Eng'rs v. Louisville & Nashville R.R. 241, 244
Brotherhood of Locomotive Eng'rs v. Missouri-Kansas-Texas R.R. 241
Brotherhood of Locomotive Firemen, Graham v. 177
Brotherhood of Locomotive Firemen, Oliphant v. 179
Brotherhood of Locomotive Firemen, Tunstall v. 134, 177
Brotherhood of R.R. Trainmen v. Chicago River & Indiana R.R. 241
Brotherhood of R.R. Trainmen, Colbert v. 181
Brotherhood of R.R. Trainmen v. Denver & Rio Grande Western R.R. 246
Brotherhood of R.R. Trainmen, Hostetler v. 183
Brotherhood of Railroad Trainmen v. Howard 177
Brotherhood of R.R. Trainmen v. Swan 170
Brotherhood of Sleeping Car Porters, Thompson v. 182, 184
Brown v. Board of Education 177, 180
Burley, Elgin, J. & E. Ry. v. 169, 238
*Butler Aviation Co. v. C.A.B. 149

C

C & C Plywood Corp., NLRB v. 172
CAB, ABC Air Freight Co., Inc. v. 298
CAB, American Airlines, Inc. v. 301, 661, 664
*C.A.B., Butler Aviation Co. v. 149
C.A.B., Delta Air Lines v. 39
C.A.B., Eastern Air Lines v. 39
CAB, National Air Freight Forwarding Corp. v. 301
C.A.B., National Air Lines v. 40
C.A.B., Outagamie County v. 45
*C.A.B., Pan American World Airways, Inc. v. 662
C.A.B., Western Air Lines v. 6
Capital Airlines, Inc., Edwards v. 186
Capital Airlines, Inc., Maryland v. 641, 642
*Capital Airlines, Inc. & United States, State of Maryland for the Use of Gliedman v. 304
Carr, State of North Carolina v. 426
Carter, Ellis v. 105
J.I. Case Co. v. NLRB 168
Cattaro v. Northwest Air Lines, Inc. 668
Causby, United States v. 119, 140, 215
Central Airlines, Inc., Int'l Assn. of Machinists v. 237
Central of Georgia Ry. v. Jones 180
Central of Georgia Ry., Williams v. 182
Chambers, Justice v. 654
Channell, Sampson v. 652
Channing Corp., Cochran v. 105
Chesapeake & Ohio Ry. Co., Hanson v. 243
Chicago, M., St.P. & Pac. R.R., McDonald v. 184
Chicago River & Indiana R.R., Brotherhood of R.R. Trainmen v. 241
*City of Imperial, Lock v. 145
*City of Kenne, Ferguson v. 147
*City of Los Angeles v. Mattson 313
Cochran v. Channing Corp. 105
Colbert v. Brotherhood of R.R. Trainmen 181
Compagnie Generale, Kermarec v. 655
Compagnie Nationale Air France, Block v. 643

Conley v. Gibson 178, 184
Continental Air Lines, Inc. et al, Texas Air Service v. 575
Coxsey v. Halloby 218
Cramp Shipbuilding Corp. 173
Cranmer, New Park Mining Co. v. 108
Cunningham v. Erie R.R. 183

D

Dabney v. United States 217
Davidson v. Payne 654
Deena Artware, Inc., NLRB v. 203
Delaware, L. & W.R.R., Slocum v. 203, 240
Delta Air Lines v. C.A.B. 39
Dennis v. Southeastern Aviation, Inc. 135
Denver & Rio Grande Western R.R., Brotherhood of R.R. Trainmen v. 246
Deupree, Levinson v. 655
DeVere v. True-Flight, Inc. 267
Di Belardin v. Lemmon Pharmacal Co. 653
*Dunn v. Beech Aircraft Corp. 311

E

Eastern Air Lines, Berquido v. 426
Eastern Air Lines v. C.A.B. 39
Eastern Air Lines, Inc., Gordon v. 246
Eastern Air Lines, Inc., Ingham v. 668
Eastern Air Lines, Inc., Keay v. 246
Eastern Air Lines, Inc., Lichen v. 129
*Eastern Air Lines, Inc., Rapp v. 667
Eastern Air Lines, Redesignation of Philadelphia-Wilmington 57
Eastern Air Lines, Inc., Rosen v. 676
Eastern Air Lines, Inc., Scott v. 651
Eastern Air Lines, Inc. v. Silber 476
Eastern Air Lines, Inc., Turoff v. 127
Eastern Air Lines, Inc. v. Union Trust Co. 258, 263, 667
Eastern Air Lines, Inc., Weinstein v. 652, 669
Eastern Airmotive Corp., Smith v. 677
Edwards v. Capital Airlines, Inc. 186
Edwards v. St. Louis-San Francisco R.R. 253
Elgin, J. & E. Ry. v. Burley 169, 238
*Elliott v. Massachusetts Mut. Life Ins. Co. 144
Ellis v. Carter 105
*Entel v. Allen 103, 110
Enterprise Wheel & Car Corp., United Steelworkers v. 188, 242
Erie R.R., Cunningham v. 183
Erie R. Co. v. Tompkins 624, 652
Estep v. United States 664
Etna Indemnity Co., Leiendeckter v. 654
*Evans, Jackson Mun. Airport Auth. v. 119
Evening News Assn., Smith v. 197

F

Fair v. United States 259
Farrell v. American Flyers Airlines Corp. 627, 628, 632, 636, 638
*Farrell v. Ignatius 312
Fashion Park, List v. 105
*Ferguson v. City of Kenne 146
Firemen's Ins. Co. v. Alexander 212
Fischmen v. Raytheon Mfg. Co. 106
Fitzgerald v. Pan American World Airways, Inc. 128, 135
Fletcher, Rylands v. 215
Flying Tiger Line, Inc., Mertens v. .. 537, 649
Flying Tiger Line, Inc., Warren v. 537, 649
Ford Motor Co. v. Huffman 194
Ford Motor Co. v. Ryan 621, 632, 636, 638
Franklin v. United States 274
Franklin Life Ins. Co., Hobbs v. 144
Frontier-Central Merger Case 604
Furumizo v. United States 141, 263, 277, 668

G

Garmon, San Diego Bldg. Trades Council v. 196
*Gatenby v. Altoona Av. Corp. 151
Gibbs v. United States 671
Gibson, Conley v. 178, 184
Gilbert, Gulf Oil Corp. v. 621, 626, 627
Ginsburg, Mutual Life Ins. Co. v. 621
Glidden Co., Zdanok v. 306
Goett v. Union Carbide Corp. 656
Goodyear Tire and Rubber Co., Neiswonger v. 135
Gordon v. Eastern Air Lines, Inc. 246
Gore v. Northeast Airlines, Inc. 114
Graham v. Brotherhood of Locomotive Firemen 177
Graves v. Associated Transport, Inc. 305
Griffith v. United Air Lines 652
Griggs v. Allegheny County 140, 216
Gulf Oil Corp. v. Gilbert 621, 626, 627
Gunther v. San Diego & Arizona Eastern Ry. Co. 242

H

Hadley v. Baxendale 128
Halloby, Coxsey v. 218
Hanson v. Chesapeake & Ohio Ry. Co. 243
Hargrove v. Brotherhood of Locomotive Eng'rs 181
Harrell's Candy Kitchen v. Sarasota-Manatee Airport Authority 124
Hart v. American Airlines, Inc. 675
Hartz v. United States 279, 668
Hartz, Roth & Globe Indemnity Co. v. United States 476
Hawn, Pope & Talbot, Inc. v. 655
Hays v. Morgan 148
Helton v. American Flyers Airlines Corp. 627, 632, 637
Henderson, Keil v. 625
Hess v. United States 655
Hinman v. Pacific Air Transp. 122
Hobbs v. Franklin Life Ins. Co. 144
Hochrein v. United States 262
Hodges v. Atlantic Coast Line R.R. 249
Hoffman v. Blaski 623, 631
Hooper v. Mountain States Security Corp. 107
Hostetler v. Brotherhood of R.R. Trainmen 183
Howard, Brotherhood of Railroad Trainmen v. 177
Howard Trucking Corp., Quaker Worsted Mills Corp. v. 652
Huffman, Ford Motor Co. v. 194
Hughes Tool Co. v. NLRB 170, 173, 174
Humphrey v. Moore 194
Huslander v. United States 141, 221
Hyland v. United Air Lines, Inc. 189

I

*Ignatius, Farrell v. 312
Illinois Central R.R., Moore v. 250
Indian Towing Co. v. United States 672
Ingham v. Eastern Air Lines, Inc. 668
Ingham v. United States 259
Int'l Assn. of Machinists v. Central Airlines, Inc. 237
International Terminal Operating Co., Romero v. 659

J

Jackson, Babcock v. 116, 625
*Jackson Mun. Airport Auth. v. Evans 119
Jacobson v. New York, N.H. & H.R. 133
Jensen v. United States 121
Johnson v. United States 276
Jones, Central of Georgia Ry. v. 180
Justice v. Chambers 654

K

Kardon v. National Gypsum Co. 105
Keay v. Eastern Air Lines, Inc. 246
Keil v. Henderson 625
Kermarec v. Compagnie Generale 655
Kilberg v. Northeast Airlines, Inc. 116, 625, 633
Kirkpatrick, Norwood v. 622, 627, 634, 636, 638
Klaxon v. Stentor Elec. Mfg. Co., Inc. 624, 652
Kohler v. Kohler 106
Kraemer, Shelley v. 178
Kreidt, Morin v. 476
Kuchinic v. McCory 655

L

Larsen, Lauritzen v. 658
Lauritzen v. Larsen 658
Lehigh, Roberts v. 181
Leiendeckter v. Etna Indemnity Co. 654
Lemmon Pharmacal Co., Di Belardin v. 653
Levinson v. Deupree 655
Lichten v. Eastern Air Lines, Inc. 129
Lincoln Mills, Textile Workers Union v. 194
Lisi v. Alitalia 537
List v. Fashion Park 105
Local 12, United Rubber Workers v. NLRB 191
Local 294, Int'l Bhd. of Teamsters, NLRB v. 191
Local 1367, Int'l Longshoremen's Ass'n, NLRB v. 192
•Lock v. City of Imperial 145
Loma Portal Civil Club v. American Airlines, Inc. 216
Long v. Pan American World Airways 116
Lora v. American Flyers Airlines Corp. 627, 637
Lorick v. United States 218
Louisville & N.R.R., Steele v. 175, 239
Louisville & Nashville R.R., Brotherhood of Locomotive Eng'rs v. 241, 244

M

McClure v. Borne Chem. Co. 103
McCroy, Kuchinic v. 635
McDonald v. Chicago, M., St.P. & Pac. R.R. 184
McGregor, Thompson Towing & Wrecking Ass'n v. 657
Maddox, Republic Steel Corp. v. 199, 240
Mahler v. United States 673
•Marmon v. Mustang Aviation Inc. 114, 309
Martin v. Port of Seattle 124
Maryland v. Capital Airlines, Inc. 641, 642
•Massachusetts Mut. Life Ins. Co., Elliott v. 144
Matheson v. Armbrust 104
•Mattson, City of Los Angeles v. 313
Maytag, O'Neill v. 109
Mertens v. Flying Tiger Line, Inc. 537, 649
Metcalf v. National Airlines, Inc. 237
Mexican Nat'l R.R., Slater v. 114
Miller v. Preitz 653
Miller, United States v. 265
Miranda Fuel Co. v. NLRB 174
Missouri-Kansas-Texas R.R., Brotherhood of Locomotive Eng'rs v. 241
•Mitchell, American Casualty Company of Reading, Pennsylvania v. 310
Modarelli, All States Freight v. 622
Morgan, Hays v. 148
Morin v. Kreidt 476
Monarch-Challenger Merger Case 589, 592
Montana-Dakota Utils. Co. v. Northwestern Public Serv. Co. 134
Moore, Humphrey v. 194
Moore v. Illinois Central R.R. 250
•Moungey v. Brandt 133
Mountain States Security Corp., Hooper v. 107
•Mustang Aviation, Inc., Marmon v. 114, 309
Mutual Life Ins. Co. v. Ginsburg 621

N

National Air Freight Forwarding Corp. v. CAB 301
National Airlines, Inc. v. Allsopp 127
National Airlines, Inc. v. CAB 40
National Airlines, Inc., Metcalf v. 237
National Gypsum Co., Kardon 105
Neal v. System Board of Adjustment 185
•Neher v. United States 139, 142, 217
Neiswonger v. Goodyear Tire & Rubber Co. 135
New Park Mining Co. v. Cranmer 108
Newport Steel Corp., Birnbaum v. 104, 107
New York, N.H. & H.R., Jacobson v. 133
NLRB v. C&C Plywood Corp. 172
NLRB, J.I. Case Co. v. 168
NLRB v. Deena Artware, Inc. 203
NLRB, Hughes Tool Co. v. 170, 173, 174
NLRB, Local 12, United Rubber Workers v. 191
NLRB v. Local 294, Int'l Bhd. of Teamsters 191
NLRB v. Local 1367, Int'l Longshoremen' Ass'n 192
NLRB, Miranda Fuel Co. v. 174
NLRB, Wallace Corp. v. 173
NMB, Switchmen's Union v. 168
Noel v. United Air Lines, Inc. 493
North Central-Lake Central Acquisition Case 602, 604, 606
Northeast Airlines, Inc., Gore v. 114
Northeast Airlines, Inc., Kilberg v. 116, 625, 633
Northeast Airlines, Inc., Pearson v. 625
Northwest Airlines, Inc., Cattaro v. 668
•Northwest Airlines, Inc., Sims v. 151
Northwest Airlines, Inc. v. Air Line Pilots Association, Int'l 246
Northwestern Public Serv. Co., Montana-Dakota Utils. Serv. Co. 134
Norwood v. Kirkpatrick 622, 627, 634, 636, 638

O

Oling v. Air Line Pilots Ass'n 189
Oliphant v. Brotherhood of Locomotive Firemen 179
O'Neill v. Maytag 109
Order of Ry. Conductors v. Pitney 240
Outagamie County v. CAB 45

P

Pacific Air Transp., Hinman v. 122
Pacilio v. Pennsylvania R.R. 251
•Pan American World Airways, Inc. v. CAB 662
Pan American World Airways, Inc., Fitzgerald v. 128, 135
Pan American World Airways, Inc., Long v. 116
Pan American Airways, Inc., Ross v. 649
Pan American World Airways, Inc. v. United States 150
Patton-Tully Transportation Co. v. Turner 657
Payne, Davidson v. 654
Pearson v. Northeast Airlines, Inc. 625
Pennsylvania R.R., Pacilio v. 251
Perez v. Short Line, Inc. 311
Perlow, A.T. Brod & Co. v. 110
Piedmont Certificate Renewal Case 575
Pitney, Order of Ry. Conductors v. 240
Pope & Talbot, Inc. v. Hawn 655
•Port of N.Y. Authority, Varadi v. 145
Port of Portland, Thornburg v. 216
Port of Seattle, Ackerman v. 221
Port of Seattle, Martin v. 124
Preitz, Miller v. 653
Price, Union Pacific R.R. v. 252

Q

Quaker Worsted Mills Corp. v. Howard Trucking Corp. 652
•Rapp v. Eastern Air Lines, Inc. 667

R

Raytheon Mfg. Co., Fischmen v. 106
Reopened Transpacific Certificate Renewal Case 3
Repide, Strong v. 103
Republic Steel Corp. v. Maddox 199, 240
Reynolds, Tippecanoe County v. 103
Richards v. United States 116, 310, 626, 655
Rigsby, Texas & Pac. Ry. v. 133
Roberts v. Lehigh 181
Romero v. International Terminal Operating Co. 659
Rosen v. Eastern Air Lines, Inc. 676
Ross v. Pan American Airways 649
Roto Am. Corp., Ruckle v. 108
Ruckle v. Roto Am. Corp. 108
Ryan, Ford Motor Co. v. 621, 632, 636, 638
Rylands v. Fletcher 215

S

Salisbury-Wilmington "Use It or Lose It" 57
Sampson v. Channell 652
San Diego & Arizona Eastern Ry. Co., Gunther v. 242
San Diego Bldg. Trades Council v. Garmon 196
Sarasota-Manatee Airport Authority, Harrell's Candy Kitchen v. 124
Sacramuzzo v. American Flyers Airlines Corp., 627, 632, 635, 636, 638, 639
Schlansky v. Augustus V. Reigal, Inc. 215
Schmidt v. American Flyers Airlines Corp. 627, 628, 632, 636, 638, 639
Schultetus, United States v. 264
•Scott v. Eastern Air Lines, Inc. 651
Sharpe, Bowling v. 180
Shelley v. Kraemer 178
Short Line, Inc., Perez v. 311
Sickman v. United States 142
Silber, Eastern Airlines, Inc. v. 476
•Sims v. Northwest Airlines, Inc. 151
Sipes, Vaca v. 198
Skovgaard, The Tungus v. 656
Slater v. Mexican Nat'l R.R. 114
Slocum v. Delaware, L. & W.R.R. 203, 240
Smerdon v. United States 260
Smith v. Eastern Airmotive Corp. 677
Smith v. Evening News Assn. 197
•Sosa v. Young Flying Serv. 148
Southeastern Area Local-Service 59
Southeastern Aviation, Inc., Dennis v. 135
Southern Ry., Walker v. 204, 250
Southwest Airways Company, Permanent-Certificate 42
Southwest-West Coast Merger Case 598, 601
St. Louis-San Francisco R.R., Edwards v. 253
Stanley v. United States 265
State of Maryland v. United States 265
•State of Maryland for the Use of Gliedman v. Capital Airlines, Inc. & United States 304
State of North Carolina v. Carr 426
Steele v. Louisville & N. R. R. 175, 239
Stentor Elec. Mfg. Co., Inc., Klaxon v. 624, 652
Stewart v. United States 142
Stork v. United States 267
Strong v. Repide 103
Stumo v. United Air Lines, Inc. 251
Swan, Brotherhood of R.R. Trainmen v. 170
Switchmen's Union v. NMB 168
System Board of Adjustment, Neal v. 185
System Federation, Virginia Ry. v. 239

T

Technograph Printed Circuits, Ltd. v. United States 307
Texas & Pac. Ry. v. Rigsby 133
Textile Workers Union v. Lincoln Mills 194
Thomas v. United Airlines 656
Thompson v. Brotherhood of Sleeping Car Porters 182, 184
Thompson Towing & Wrecking Assn. v. McGregor 657
Tompkins, Erie R. Co. v. 652
Thornburg v. Port of Portland 216
Tilley v. United States 261
Tippecanoe County v. Reynolds 103
Toepfer, Inc. v. Braniff Airways 127
Tompkins, Erie Railroad Co. v. 624
Trans-Continental Coach-Type Service 13
Transportation-Communication Employees Union v. Union Pacific R.R. 247
Trans World Airways, Inc., Brady v. 190
Trans World Airways, Inc., Wills v. 128, 135
True-Flight, Inc., DeVere v. 267
The Tungus v. Skovgaard 656
Tunstall v. Brotherhood of Locomotive Firemen 134, 177
Turner v. American Flyers Airlines Corp. 627, 637
Turner, Patton-Tully Transportation Co. v. 657
Turoff v. Eastern Air Lines, Inc. 127

U

Union Carbide Corp., Goett v. 656
Union Pacific R.R. v. Price 252
Union Pacific R.R., Transportation-Communication Employees Union v. 247
Union Trust Co., Eastern Airlines, Inc. v. 258, 263, 667
United Air Lines, Inc., Braughton v. 151
United Air Lines, Inc., Griffith v. 652
United Air Lines, Inc., Hyland v. 189
United Air Lines, Inc., Noel v. 493
United Air Lines, Inc., Stumo v. 251
United Airlines, Inc., Thomas v. 656
United Air Lines, Inc., United States v. 305
United States, Aaron v. 122
United States, Amell v. 670
United States, Batten v. 120, 216
United States Bedding Co. 173
United States, Bennett v. 217
United States v. Causby 119, 140, 215
United States, Dabney v. 217
United States, Estep v. 664
United States, Fair v. 259
United States, Franklin v. 274
United States, Furmizo v. 141, 263, 277, 668
United States, Gibbs v. 671
United States, Hartz v. 279, 668
United States, Roth & Globe Indemnity Co. v. 476
United States, Hess v. 655
United States, Hochrein v. 262
United States, Huslander v. 141, 221
United States, Indian Towing Co. v. 672
United States, Ingham v. 259
United States, Jensen v. 121
United States, Johnson v. 276
United States, Lorick v. 218
United States, Mahler v. 673
United States v. Miller 265
•United States, Neher v. 139, 142, 217
United States, Pan American World Airways, Inc. v. 150
United States, Richards v. 116, 310, 626, 655
United States v. Schultetus 264
United States, Sickman v. 142
United States, Smerdon v. 260
United States, Stanley v. 265
United States, State of Maryland v. 265
United States, Stewart v. 142
United States, Stork v. 267
United States, Technograph Printed Circuits, Ltd. v. 307
United States, Tilley v. 261
United States v. United Air Lines, Inc. 305
United States v. Weiner 259, 264
United States, Wenninger v. 275
United Steelworkers v. Enterprise Wheel & Car Corp. 188, 242
United-Western Interchange Case 591

V

Vaca v. Sipes 198
•Varadi v. Port of N.Y. Authority 145
Vine v. Beneficial Fin. Co. 107
Virginia Ry. v. System Federation 239

W

Walker v. Southern Ry. 204, 250
Wallace Corp. v. NLRB 173
Warren v. Flying Tiger Line, Inc. 537, 649
Washington-Baltimore Adequacy-of-Service Investigation 56
Weiner, United States v. 259, 264
Weinstein v. Eastern Air Lines, Inc. 652, 669
Wenninger v. United States 275
West-Coast-Empire Merger Case 592, 598
Western Air Lines, Inc. v. CAB 6
White, Boyd v. 215
Williams v. Central of Georgia Ry. 182
Wills v. Trans World Airways, Inc. 128, 135
Wright v. American Flyers Airlines Corp. 627, 632, 633, 634, 636, 637

Y

•Young Flying Serv., Sosa v. 148

Z

Zdanok v. Glidden Co. 306

• Casenote or Recent Decision.

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION

(Act of October 23, 1962: Section 4369, Title 39, United States Code)

Publication: File two copies of this form with your postmaster.
Postmaster: Complete certificate on page 3

Form Approved Budget Bureau No. 43-R009

1. DATE OF FILING: 28 Sept. 1968
2. TITLE OF PUBLICATION: JOURNAL OF AIR, LAW & COMMERCE
3. FREQUENCY OF ISSUE: QUARTERLY
4. LOCATION OF KNOWN OFFICE OF PUBLICATION (Street, city, county, state, ZIP code): Southern Methodist University, School of Law, Dallas, Texas 75222
5. LOCATION OF THE HEADQUARTERS OR GENERAL BUSINESS OFFICES OF THE PUBLISHERS (Not printers): Southern Methodist University, School of Law, Dallas, Texas 75222
6. NAMES AND ADDRESSES OF PUBLISHER, EDITOR, AND MANAGING EDITOR

PUBLISHER (Name and address): Southern Methodist University, School of Law, Dallas, Texas 75222

EDITOR (Name and address): Robert E. Wilson, S.M.U. School of Law, Dallas, Texas 75222

MANAGING EDITOR (Name and address): Bowen L. Florsheim, S.M.U. School of Law, Dallas, Texas 75222

7. OWNER (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given.)

NAME	ADDRESS
Southern Methodist University, School of Law	Dallas, Texas 75222

8. KNOWN BONDHOLDERS, MORTGAGEES, AND OTHER SECURITY HOLDERS OWNING OR HOLDING 1 PERCENT OR MORE OF TOTAL AMOUNT OF BONDS, MORTGAGES OR OTHER SECURITIES (If there are none, so state)

NAME	ADDRESS
NONE	

9. FOR COMPLETION BY NONPROFIT ORGANIZATIONS AUTHORIZED TO MAIL AT SPECIAL RATES (Section 132.122, Postal Manual) (Check one)

The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes:

☒ Have not changed during preceding 12 months ☐ Have changed during preceding 12 months

(If changed, publisher must submit explanation of change with this statement.)

10. EXTENT AND NATURE OF CIRCULATION	AVERAGE NO. COPIES EACH ISSUE DURING PRECEDING 12 MONTHS	ACTUAL NUMBER OF COPIES OF SINGLE ISSUE PUBLISHED NEAREST TO FILING DATE
A. TOTAL NO. COPIES PRINTED (Net Press Run)	1525	1450
B. PAID CIRCULATION 1. SALES THROUGH DEALERS AND CARRIERS, STREET VENDORS AND COUNTER SALES	----	----
2. MAIL SUBSCRIPTIONS	1127	1165
C. TOTAL PAID CIRCULATION	1288	1255
D. FREE DISTRIBUTION (including samples) BY MAIL, CARRIER OR OTHER MEANS	80	80
E. TOTAL DISTRIBUTION (Sum of C and D)	1368	1335
F. OFFICE USE, LEFT-OVER, UNACCOUNTED, SPOILED AFTER PRINTING	157	115
G. TOTAL (Sum of E & F—should equal net press run shown in A)	1525	1450

I certify that the statements made by me above are correct and complete.

(Signature of editor, publisher, business manager, or owner) ▶ Bowen L. Florsheim